

1 SHEILA K. SEXTON, SBN 197608
 2 BEESON, TAYER & BODINE, APC
 3 1404 Franklin Street, 5th Floor
 4 Oakland, CA 94612-3208
 Telephone: (510) 625-9700
 Facsimile: (510) 625-8275
 Email: ssexton@beesontayer.com

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5 Attorneys for Plaintiffs
 6 Ruben Mendez, et al.

7
 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10 **AT SAN JOSE**

12 RUBEN MENDEZ, et al.,

13 Plaintiffs,

14 v.

15 BOTTOMLEY DISTRIBUTING CO., INC., a
 16 California corporation,

17 Defendant.

Case No. C-07-01086 JF

18 **ORDER GRANTING**
 19 **NOTICE TO COURT THAT SETTLEMENT**
 20 **HAS NOT BEEN DELIVERED; REQUEST TO**
 21 **EXTEND PERIOD FOR CONSIDERATION**
 22 **TO BE PAID**

18 PLAINTIFFS, Ruben Mendez, et. al. hereby notify the Court that the monetary amounts
 19 provided for in the parties' settlement agreement have not been paid. Today is the last day for the
 20 Plaintiffs to so notify the Court in order that the case can be returned to trial mode.

21 The reason that the settlement has not been paid is that the individual settlement amounts are
 22 derived from a complicated formula that has required a significant amount of time from each party.
 23 Thus, this is not a case where one party is refusing to comply with the settlement agreement. Rather,
 24 the parties simply require additional time within which to calculate and confirm the accuracy of the
 25 settlement award calculations.

26 Accordingly, Plaintiffs hereby request that the Court provide the parties with an additional
 27 sixty days within which to complete the calculations for deriving the settlement amounts and to then
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1 have those amounts paid to Plaintiffs. Defendant, Bottomley Distributing Co., Inc. joins in this
2 request for additional time.

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4 Dated: April 24, 2009

BEESON, TAYER & BODINE, APC

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6 By: /s/Sheila K. Sexton
7 SHEILA K. SEXTON
8 Attorneys for Ruben Mendez, et al.

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10 Dated: 4/29/09

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12 JEREMY FOCHEL
13 United States District Judge
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